

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Erik VanOvermeiren,

Civil No. 12-1352 (DWF/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Carolyn W. Colvin,
Commissioner of Social Security,

Defendant.

This matter is before the Court upon Plaintiff Erik VanOvermeiren's ("Plaintiff") objections (Doc. No. 21) to Chief Magistrate Judge Arthur J. Boylan's April 17, 2013 Report and Recommendation (Doc. No. 19) insofar as it recommends that: (1) Plaintiff's Motion for Summary Judgment be denied; (2) Defendant's Motion for Summary Judgment be granted; and (3) if the Report and Recommendation is adopted, that judgment be entered accordingly. Defendant filed a response to Plaintiff's objections on May 10, 2013. (Doc. No. 23.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff maintains that the decision of the ALJ was erroneous. In particular Plaintiff argues that: (1) the ALJ's finding that Plaintiff's impairments do not meet the requirements of Listing 11.14 is not supported by substantial evidence and does not give the opinions of Dr. Holt the weight required by law; and (2) the ALJ failed to fully and fairly develop the record. Having carefully reviewed the record, the Court concludes that substantial evidence supports the denial of benefits and that the record was adequate to adjudicate Plaintiff's claims. Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Erik VanOvermeiren's objections (Doc. No. [21]) to Chief Magistrate Judge Arthur J. Boylan's April 17, 2013 Report and Recommendation are **OVERRULED**.

2. Chief Magistrate Judge Arthur J. Boylan's April 17, 2013 Report and Recommendation (Doc. No. [19]) is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. [6]) is **DENIED**.

4. Defendant's Motion for Summary Judgment (Doc. No. [15]) is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 15, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge